

Docket Management System
U.S. Department of Transportation, Room PL-401
400 7th Street, S.W.
Washington, DC 20590-001

COMMENT: FRA Docket No. FRA 2001-11068, Notice No. 3

The Substance Abuse Program Administrators Association (SAPAA) appreciates the opportunity to submit comments in reference to 49 CFR Part 219 Control of Alcohol and Drug Use: Notice Inviting Comment on July 2002 Canadian Human Rights Commission Policy on Alcohol and Drug Testing; Proposed Rule.

SAPAA is a non-profit trade association whose members represent all of the alcohol and drug testing service agents including third party administrators (TPAs), in-house administrators, medical review officers (MROs), Substance Abuse Professionals (SAPs), and manufacturers of testing devices. Our membership includes representation from Canada in all the above professions. Therefore, on behalf of SAPAA members (who represent well over 200,000 employers and more than 3.5 million DOT regulated drug tests) and the drug testing industry as a whole will take this opportunity to provide comments on the above referenced FRA docket.

SAPAA General Comments

We support to amend the regulation to narrow the current exemptions of certain operations by foreign railroads and small railroads from full application of FRA's requirement. We concur with your language "Under the NPRM, an employee of a foreign railroad (a railroad incorporated outside the United States) whose primary reporting point is outside the United States (a foreign railroad foreign-based or "FRFB employee"), who performs train or dispatching service in the United States covered by hours of service laws would no longer be exempt from the pre-employment drug testing, random alcohol and drug testing, and employee assistance program requirements of part 219."

We endorse foreign-based railroad companies complying with all regulations that apply to U.S. railroad companies. This is consistent with other modes of foreign-based transportation entering into the United States.

The fact that a worker is from a foreign railroad foreign-based or "FRFB employee" does not remove the worker from risk or potential safety hazards associated with the use of alcohol or drugs of abuse. This discrimination in coverage between workers performing the same functions, which affect the lives and safety of every person on U.S. soil, is not only inequitable but lacks common sense. We are very much for a regulation that applies the same rules to every worker who performs a covered function.

We appreciate the opportunity to provide these comments and feel that your effort to tighten loopholes in the regulation will reduce the potential for serious injury and/or property loss.

Sincerely,
Ira Jane Hurst-Romero, C-SAPA, C-SI

President